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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,676	06/05/2001	Steven M. Johnson	HRA/12428	7977

27505 7590 03/21/2006

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EXAMINER

REKSTAD, ERICK J

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/874,676	Applicant(s) JOHNSON ET AL.	
	Examiner Erick Rekstad	Art Unit 2613	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 6, 7, 10-12 and 15-18.

Claim(s) objected to: _____.

Claim(s) rejected: 22-25 and 27-30.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

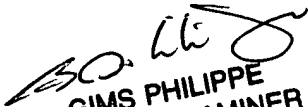
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: In regards to claims 22, 23, 24 and 30, the applicant argues the combination of Passman and Hendricks. Specifically, the applicant states there is no suggestion to combine the optical searching of Hendricks with the system of Passman. Passman teaches a system for real-time video monitoring of a remote and mobile environment (Col 2 Lines 29-32). Passman further teaches the monitoring of the video by customers (Col 4 Lines 30-35). Note that Passman further teaches the vehicle can be a school bus, taxi, or any other kind of public or private transportation vehicle (Col 3 Lines 12-14). As stated by the applicant, Passman teaches a specific example of the use of the system to allow a user to monitor the interior of a bus in order to detect a fight (Col 5 Lines 8-15). Passman does not teach the method used by the security officer to determine when a problem arises. Hendricks teaches the method of automatically monitoring a camera by observing pixel changes in order to alert a user of a desired detection pattern (Col 19 Lines 27-41). The applicant states the example given by Hendricks is for the movement of a Lion in an inactive desert and suggests that the interior view of a bus would already have activity. As shown above, Hendricks teaches the use of a detection pattern which is compared with the incoming video. It is viewed by the examiner that this detection pattern could be modified from the example given to overcome any constant or small motions in the bus. As a fight would obviously cause a considerable motion difference from that of an image of a bus with passengers seated.

In regards to the applicant's arguments related to claims 25 and 28, this argument has already been responded to in the Final Rejection. To further clarify the examiner's position, it is noted that the applicant states that there is no content based limitation taught. Passman teaches real-time video monitoring (Col 2 Lines 29-32) and therefore the designation of device access of Jones is a content based limitation since the devices are providing the real-time video content.

In regards to the applicant's arguments related to claims 27 and 29, this argument has already been responded to in the Final Rejection. To further clarify the examiner's position, it is noted that Passman teaches use of mobile cameras and merely provides an example of the use of a camera viewing the inside of a bus. Because Schmidt not only teaches the use of a camera inside a bus but provides reasoning to also provide cameras outside of the bus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Passman and the cameras of Schmidt in order to not only provide surveillance of the interior of the bus but also the exterior which would provide the monitoring of unlawful acts outside of the bus.


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PRIMARY EXAMINER